

REMARKS

The preceding claim amendments and the following remarks are submitted as a full and complete response to the Office Action issued on October 16, 2007.

Applicants acknowledge that the previous anticipation rejection was withdrawn and that, according to the Office, no obviousness rejection is made since there would have been no motivation present to isolate the tributyl ammonium salt of tritylated cefdinir or to convert it into crystal form.

Claims 1, 13, 15 and 18 have been amended to delete certain substituents from the definition of Z. Claim 1 has been further amended to recite "wherein the salt is isolated from a reaction medium." Support for this amendment can be found throughout the specification, for example, page 3, lines 13-16, page 8, lines 18-22 and Examples 1-4.

With respect to the claim objections, Applicants respectfully submit that the revision of the definition of Z in claims 1, 13 and 15 renders this objection moot.

Applicants respectfully request entry of the claim amendments and favorable reconsideration of the application.

Rejection of Claims 1-16 and 18 under 35 U.S.C. §112 first and second paragraphs

Indefiniteness Rejection

The Office has rejected claims 1-16 as being indefinite alleging that "it is unclear what is entailed by 'isolated'". The Office further alleges that the specification gives no guidance. Applicants respectfully disagree.

Contrary to the Office's position, the specification provides ample support and guidance with respect to "isolated salt." The "Background of the invention" details the problem of recovering (i.e., isolating) the intermediate compound of general formula (V) in the prior art methods. See e.g., page 2, line 14 to page 3, line 11. As described in the specification "[i]t has now been found that the intermediate (V) can be recovered in high yield and purity as the salts with ammonia or organic bases, in inert organic solvents of common industrial use. . . . Accordingly, the present invention relates to salts of formula (I)." The specification provides, as an example, three methods for obtaining the salts of formula (I). In all of the three methods, the resulting salts of the formula (I) are precipitated. See e.g., page 7, lines 5-16, page 8, lines 5-7. Finally, the specification states that the salt of formula (I), which are precipitated, can be easily recovered by filtration or centrifugation. See page 8, lines 18-20. Examples 1-4 also show specific example that the salt of formula (I) is isolated from a reaction medium by filtration.

Given the ample guidance and/or support from the specification, one of ordinary skill in the art would readily understand the meaning of the term "isolated salt." Nevertheless, in an effort to advance this case toward allowance, Applicants have amended claim 1 to recite that "the salt is isolated from a reaction medium." This amendment simply clarifies the original meaning of the "isolated salt," and does not narrow the scope of the original claim 1.

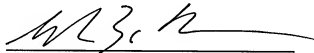
Considering the above remarks and claim amendments, Applicants respectfully request reconsideration and withdrawal of this rejection.

Enablement Rejection

Claims 1-16 and 18 have been rejected "because the specification, while being enabling for Z choices 2, 3, 10-14, does not reasonably provide enablement the others." While not acquiescing to the propriety of the Office's position in this rejection, Applicants obviate this rejection by amending the definition of Z in claims 1, 13, 15 and 18 to include choices 2, 3 and 10-14 only. Applicants respectfully submit that this amendment renders the enablement rejection moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

In light of the foregoing, Applicants submit that all outstanding rejections have been overcome, and the instant application is in condition for allowance. Thus, Applicants respectfully request early allowance of the instant application. In the event that this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with additional fees that may be due with respect to this paper, may be charged to Deposit Account No. 02-2135.

Respectfully submitted,



Glenn E. Karta
Attorney for Applicants
Reg. No. 30,649
ROTHWELL, FIGG, ERNST & MANBECK
1425 K. Street, Suite 800
Washington, D.C. 20005
Telephone: (202) 783-6040